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Docket No.: 1315-051

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Byong Kee KIM et al.

U.S. Patent Application No. 10/747,655

Filed: December 30, 2003

EXPEDITED PROCEDURE

Response after Final Rejection

Confirmation No.: 1581

Group Art Unit: 1742

Examiner: NGOCLAN THI MAI

For: PROCESS FOR MANUFACTURING NANO PHASE TAC-TRANSITION METAL BASED COMPLEX POWDER.

Dear Sir:

Transmitted herewith is an Amendment after Final Rejection in the above identified application.

- ☒ No additional fee is required.
☐ Small entity status of this application has been established.
☒ Also attached: Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	15	20		x \$ 50 =	\$ 0.00
Independent Claims	2	3		x \$200 =	\$ 0.00
If multiple dependent claims newly presented, add \$290.00 00					
Fee for extension of time					
TOTAL FEE DUE					\$ 0.00

- ☐ A credit card authorization form in the amount of _____ is attached.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 07-1337, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP


 William E. Beaumont
 Registration No.: 30,996

USPTO Customer No. 22429
 1700 Diagonal Road, Suite 300
 Alexandria, Virginia 22314
 (703) 684-1111 WEB/cv
 (703) 518-5499 Facsimile
 Date: May 8, 2006

CERTIFICATION OF FACSIMILE TRANSMISSION
 I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW
Cornelia Verret
 TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
Cornelia Verret 5-8-06
 SIGNATURE DATE
571-273-8300
 FACSIMILE NUMBER

Docket No.: 1315-051

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Byong Kee KIM

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METAL BASED COMPLEX POWDER**

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The owners, KOREA INSTITUTE OF MACHINERY AND MATERIALS and NANOTECH CO.LTD. of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of copending application Serial Patent No. 10/747,657. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer; in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims